

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

WALTER HENRY JOHNSON, III(16)

Defendant.

3:12-CR-00175

MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Robert O. Rafuse, Movant, and brings this Motion to Withdraw as Counsel and in support thereof shows:

1. Movant is the attorney of record for Walter Henry Johnson, III, and was appointed by the Honorable Robert K. Roach to represent him during the trial and sentencing phase due to his indigency. Defendant has pled guilty and has been sentenced. Defendant has instructed Movant to file a Notice of Appeal indicating his desire to file an appeal. The Notice of Appeal was filed January 29, 2013 on behalf of Defendant.

2. Good cause exists for withdrawal as counsel in that Movant is not admitted to practice before the Fifth Circuit Court of Appeals. Further, Movant has not previously handled a federal criminal appeal and is not familiar with the rules and requirements of the Fifth Circuit or the Federal Rules of Appellate Procedure. Defendant would be better served if a more experienced appeal attorney handled the case.

3. This withdrawal is not sought for delay.

4. Defendant is currently in custody at the Mansfield Jail prior to being assigned to a specific prison unit by the Bureau of Prisons.

5. Movant makes this motion with the consent and agreement of Defendant.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court will grant his motion to withdraw on the face of this pleading. Alternatively, Movant requests that the Court set this matter for a hearing so that Movant may present evidence in support of this motion.

Respectfully submitted,

RAFUSE LAW FIRM, P.C.
Energy Center
710 Lamar, Suite 440
Wichita Falls, Texas 76301
Tel: (940) 763-8080
Fax: (940) 763-8070

By:/s/ Robert O. Rafuse

Robert O. Rafuse
State Bar No. 16463900
Attorney for Walter Henry Johnson, III

NOTICE TO CLIENT

You do not have to agree to this motion and if you contest the withdrawal of Robert O. Rafuse as attorney in this cause, you may inform the judge that you disagree with this Motion.

By:/s/ Robert O. Rafuse

Robert O. Rafuse
State Bar Number: 16463900

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Motion to Withdraw as Counsel has been served upon Mr. Walter Henry Johnson, III and the Assistant U.S. Attorney on this the 29th day of January, 2013.

/s/ Robert O. Rafuse

Robert O. Rafuse